

EXHIBIT 2

COMPLAINT AND JURY DEMAND

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR COUNTY OF GRAND TRAVERSE

NANCY WARSZAWSKI,

Plaintiff,

v

FILE NUMBER: 20-35456-ND

HONORABLE:

THE HOME DEPOT, A Delaware
Corporation,

Defendant.

DANIEL P. O'NEIL (P37051)
Thompson O'Neil, P.C.
Attorneys for Plaintiff
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COMPLAINT AND JURY DEMAND

COMPLAINT

Plaintiff, NANCY WARSZAWSKI, brings the following Complaint against
Defendant, THE HOME DEPOT:

1. Plaintiff, NANCY WARSZAWSKI, is a resident of Grand Traverse County and
the state of Michigan.

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2. Defendant, THE HOME DEPOT, is a Delaware corporation headquartered in Atlanta, Georgia, that regularly conducts business in Grand Traverse County and the state of Michigan.
3. The incident giving rise to the Complaint occurred in the county of Grand Traverse and the state of Michigan.
4. The amount in controversy exceeds twenty-five thousand dollars (\$25,000) exclusive of costs, interest, and attorney fees, and jurisdiction is otherwise proper in this court.
5. On June 15, 2019, Plaintiff, NANCY WARSZAWSKI, was a customer in the garden center of the Traverse City Home Depot located at 2522 Crossing Circle, Traverse City, Michigan, 49686, and was standing near a table that had been set up to display flowers for sale in the garden center.
6. As Plaintiff stood near the table perusing the flowers, an employee of Defendant was operating a lift machine in the same vicinity. While operating the forklift, the employee backed into the table on the opposite side of Plaintiff, pushing the table into Plaintiff's lower legs.

7. As a result of being struck by the table, Plaintiff suffered serious injuries including, but not limited to: a comminuted and displaced fracture of the tibial plateau of her right knee.
8. As a direct and proximate result of the above described injury, Plaintiff has suffered damages that include, but are not limited to:
 - a. Past, present, and future medical, doctor, and hospital expenses relating to treatment for her injuries.
 - b. Past, present, and future physical pain and suffering.
 - c. Past, present, and future emotional distress.
 - d. Past, present, and future disability in the use of her right leg.
 - e. Past, present, and future diminution in the enjoyment of leisure activities and everyday life.
9. At all times, pertinent hereto Defendant and its agents and employees, owed a duty to Plaintiff and all those similarly situated to conduct their activities in a reasonably safe fashion and with due caution and care for the safety of others.
10. Defendant and its agents and employees breached their above described duty when they committed acts and omissions that include, but are not limited to:
 - a. Operating a powered forklift in an area open to customers.

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- b. Operating a powered forklift in an area open to customers without adequate space to safely maneuver and with due regard for the safety of customers.
 - c. Failing to assure that there was adequate space to back the forklift without striking objects or customers.
 - d. Failure to provide adequate staff and or other safeguards to assure the safe operation of the forklift.
 - e. Failure to adequately train and or supervise the subject employee in the safe operation of the forklift and other equipment.
- ii. As a direct and proximate result of the previously described negligence of Defendant, Plaintiff suffered the above described injuries.

WHEREFORE, Plaintiff, NANCY WARSZAWSKI, demands judgment against Defendant, HOME DEPOT, in an amount reasonably calculated to compensate her for her damages together with costs, interest and all other relief deemed appropriate by the Court.

Respectfully submitted.

THOMPSON O'NEIL, P.C.



Daniel P. O'Neil (P37051)

Dated: August 19, 2020

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JURY DEMAND

NOW COMES Plaintiff, NANCY WARSZAWSKI, by and through her counsel, Thompson O'Neil, P.C., and does hereby make demand for trial by jury in the above-entitled matter.

THOMPSON O'NEIL, P.C.

Dated: August 19, 2020



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